

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES ALLEN REPINEC,
Plaintiff,
vs.
TODD FINCHER, *et al.*,
Defendants.

Case No. 2:14-cv-01067-RFB-GWF

ORDER

This matter is before the Court on Plaintiff's Request for Court's Order for Production of Documents From Defendants' Attorneys (#23), filed on December 24, 2014. Defendants Todd Fincher, James Robinson, and Joanne Stratton filed an Opposition (#24) on January 7, 2015. Defendants Chris Brewer and John Cessford filed a Joinder (#25) to the Opposition on January 7, 2015.

Plaintiff, a *pro se* litigant, requests that the Court order the Defendants to comply with the Plaintiff's discovery requests. The Defendants did not respond to what they note was an untimely request for production. Before Plaintiff filed his motion to compel, he did not confer with the Defendants to see if the parties could resolve this issue without the Court's involvement. Local Rule 26-7(b) provides:

Discovery motions will not be considered unless a statement of the movant is attached thereto certifying that, after personal consultation and sincere effort to do so, the parties have been unable to resolve the matter without Court action.

The Defendants are correct to note that the Plaintiff, though *pro se*, must follow the same rules as other parties. However, a *pro se* litigant must be given leeway by the Court to compensate

1 for the difficulties of proceeding without counsel. The Plaintiff's discovery requests appear to be
2 relevant to the case, and are not unduly over-broad. The requests were submitted before the
3 discovery deadline. Therefore, the Court will deny Plaintiff's motion, but allow Plaintiff the
4 opportunity to re-raise the motion if a conference with the Defendants cannot resolve the issue.
5 The Plaintiff should meet and confer with the Defendants, whether telephonically or through some
6 other form of communication, and attempt to resolve this issue. Allowing the Plaintiff to obtain
7 reasonable discovery will not cause undue prejudice to either party, nor will it result in undue delay.
8 Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel (#23) is **denied** without
10 prejudice. Plaintiff is hereby advised to meet and confer with the Defendants regarding his
11 discovery requests. If that conference is unsuccessful, the Plaintiff may refile his motion to
12 compel.

13 DATED this 8th day of January, 2015.

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16 GEORGE FOLEY, JR.
United States Magistrate Judge

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